

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 22, 2006

DIVISION ONE

B189637 Safeco Insurance Company (Certified for Publication)
 of America et al.
 v.
 Superior Court, Los Angeles County
 (Century Surety Company, r.p.i.)

The petition is granted insofar as it seeks a determination that, in this action for equitable contribution by two settling insurers against a nonparticipating insurer, the settling insurers (Safeco and American States) have met their burden when, with regard to each of the underlying cases, they have made a prima facie showing of coverage under the nonparticipating insurer's (Century's) policy -- the same showing necessary to trigger Century's duty to defend -- and that the burden then shifts to Century to prove the absence of actual coverage. In all other respects, the petition is denied. Safeco and American States are awarded their costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

B182541 Robert DiFiore (Not for Publication)
 v.
 Contractors State License Board

The judgment is affirmed. The Board is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Rothschild, J.

DIVISION ONE (Continued)

B177595 Oved & Associates (Not for Publication)
Construction Services, Inc., et al.
v.
Los Angeles Metropolitan Transportation Authority

The judgments are affirmed. Star Iron, the MTA, Kajima, and the sureties are awarded their costs of appeal and, as to Star Iron, those costs shall include attorneys' fees as provided in its contract with Oved, in an amount to be determined by the trial court on remand.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

B187261 Steve Cardone (Not for Publication)
v.
SCIE LLC et al.

The order granting reconsideration and denying the special motion to dismiss is affirmed. Cardone is entitled to his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

B181743 Yuki Kobayashi and Joe Camacho (Not for Publication)
v.
Mark Foster

The judgment is affirmed. Respondent shall recover his costs on appeal.

Rothschild, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B185550 People (Not for Publication)
v.
Manuel Gonzales

The judgment is reversed with respect to count 3. The trial court is directed to modify the minute order of October 26, 2005, by striking the portions that call for restitution payment to be made to Northridge Hospital Medical Center and instead order that restitution payment be made to Andres Barraza. In all other respects, the judgment and the order are affirmed.

Mallano, J.

We concur: Spencer, P.J.
Rothschild, J.

B184109 People (Not for Publication)
v.
Antonio Zarate Perez

The judgment is affirmed.

Mallano, J.

I concur: Spencer, P.J.
I concur in the judgment only: Vogel (Miriam A.), J.

B186814 Los Angeles County, D.C.S. (Not for Publication)
v.
Shirley S.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION ONE (Continued)

B190405 Kelly C. (Not for Publication)

v.

Superior Court, Los Angeles County

(Los Angeles Department of Children and Family Services, r.p.i.)

Pursuant to the parties' stipulation, the petition is dismissed and the dependency court is directed upon remand to: (1) vacate those portions of the April 17, 2006 order terminating reunification services and setting a permanency planning hearing; and (2) order the Department to provide Kelly with six additional months of reunification services. Pursuant to the parties' stipulation, the remittitur is to issue forthwith. (Cal. Rules of Court, rule 26(c)(1).)

Rothschild, J.

We concur: Spencer, P.J.
Mallano, J.

B181278 Lisa Katona Galaz

B187428 v.

Marian Oshita

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B170157 Onofre Serrano

v.

Kevin Large et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B185080 People

v.

Luis M.

Filed order denying petition for rehearing.

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter,
Deputy Clerk.

Each of the following:

B182527	People v. Cantu
B184843	People v. Kim
B181497	People v. Maldonado
B184118	People v. Richardson
B184215	People v. Eric C.
B184975	People v. Greenwood
B190032	William G. v. LASC; DCFS

Argument waived, cause submitted.

B187923 People
 v.
 Douglas

Merits:

Argued by Christine C. Shaver for appellant and by Lance E. Winters,
Deputy Attorney General for respondent. Cause submitted.

B182332 People
 v.
 Thomas

Merits:

Argued by Thomas T. Ono for appellant and by Herbert S. Tetef, Deputy
Attorney General for respondent. Cause submitted.

DIVISION TWO (Continued)

B179477 McCray, et al.
 v.
 Garcia, et al.

Merits:
Argued by Andrew N. Chang for appellants and by Maureen M. Home for respondents. Cause submitted.

B186049 People
 v.
 Herrera

Merits:
Argued by Christopher A. Reed for appellant and by William H. Shin, Deputy Attorney General for respondent. Cause submitted.

B180553 Daidone
 v.
 City of Glendale

Merits:
Argued by Lloyd C. Ownbey for appellant and by Miah Yun for respondent. Cause submitted.

B183167 Staff Pro, Inc., et al.
 v.
 National Union Fire Ins. Co.

Merits:
Argued by David C. Hinshaw for appellants and by Rosemary Springer for respondent. Cause submitted.

DIVISION TWO (Continued)

B182808 R.N.R. Oil
 v.
 BP West Coast Products, LLC, et al.

Merits:
Argued by Martin R. Fox for appellant and by James M. Harris for
respondents. Cause submitted.

B180718 Oded Bahat
 v.
 Susi Bahat

Merits:
Argued by James L. Keane for appellant, Susi Bahat and by Edward J.
Horowitz for respondent, Obed Bahat. Cause submitted.

B172623 Janis, et al.
 v.
 Hamilton, et al.

Merits:
Argued by Richard P. Towne for appellants, by Raymond C. Dion for
respondent Hamilton; by Michael J. Nunez for respondent Canoga Sheet
Metal, Inc. and by William M. Aitken for respondent, Classic Plastering,
Inc. Cause submitted.

Court recessed.

Court reconvened at 1:00 PM

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman,
Deputy Clerk.

Each of the following:

B185146 People v. Lopez
B187351 In re Sir Gabriel L. (Che L. v. DCFS)
B184734 People v. Powers

DIVISION TWO (Continued)

Each of the following (continued):

B184560 People v. Naya
B190032 In re: William G. v. DCFS

Argument waived, cause submitted.

B183930 Bougere
 v.
 County of Los Angeles

Merits:
Argued by Charles Fonarow for appellant and by Jennifer Lehman for respondent. Cause submitted.

B179596 People
 v.
 Cisneros

Merits:
Argued by Tracy Dressner for appellant and by Jason Tran for respondent. Cause submitted.

B183578 Music Video Products inc.
 v.
 Kreative Video Products

Merits:
Argued by Stuart M. Richter for appellant and by James Felton for respondents. Cause submitted.

June 22, 2006 (Continued)

DIVISION TWO (Continued)

B184529 Cross et al.
v.
Maric College Inc.et al.

Merits:
Argued by Eric Sinrod for appellants and by John Quisenberry for respondents. Cause submitted.

B179005 American International Specialty Lines Co. et al.
v.
Continental Casualty Ins. Co. et al.

Merits:
Argued by James Wagoner for appellants and by John Peer, John Makin & Malcom Schick for respondents. Cause submitted.

Court adjourned.

DIVISION THREE

B184463 Mir (Not for Publication)
v.
Iungerich & Spackman

The order from which Mir appealed is affirmed. Costs on appeal to the law firm.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (Continued)

B180367 David, et al. (Not for Publication)
 v.
 Fancher, et al.

The judgment is affirmed. David and Katelanis are to pay Fancher's costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B179002 Lawrence (Not for Publication)
 v.
 Brand

The judgment from which appellant has appealed is affirmed. Costs on appeal to Brand.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

B177747 Morgan, Lewis & Bockius
 v.
 Ralph Cassady

Filed order vacating submission order of March 14, 2006. The parties are ordered to provide further letter briefs. Matter to be resubmitted on July 24, 2006.

DIVISION FIVE

B183466 May Helen Fuller (Not for Publication)
 v.
 City of Pasadena et al.,

The judgment is affirmed. Each party to bear their own costs.

Kriegler, J.

We concur: Armstrong, Acting P.J.
 Mosk, J.

B184966 People (Not for Publication)
 v.
 Braulio Estrada

The sentences as to counts 1, 5, and 6 and the stayed section 12022.8 enhancements related thereto are reversed. Upon issuance of the remittitur, the trial court is to proceed to: resentence defendant as to counts 1, 5, and 6; impose a \$20 court security fee as to counts subject to section 654, subdivision (a); and exercise its section 1385, subdivision (a) discretion to either impose or strike the section 12022.8 enhancements as to those counts as discussed in the body of the opinion. The clerk of the superior court is directed to prepare and deliver to the California Department of Corrections and Rehabilitation an accurate amended abstract of judgment which accurately sets forth the sentences imposed. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

DIVISION SIX

B185725 City of Port Hueneme (Certified for Publication)

v.

Oxnard Harbor District et al.

Vancamp et al.,.

We affirm the trial court's ruling sustaining the demurrers without leave to amend. Respondents and real parties in interest are awarded costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.

Yegan, J.

B182546 People (Not for Publication)

v.

Gregory P.

The judgment is reversed and the matter is remanded to the juvenile court with directions to set a maximum term of CYA physical confinement based on the facts and circumstances of Gregory's case. (Section 731; In re Jacob J., supra, 130 Cal.App.4th at p.439.) In all other respects, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.

Perren, J.

B186159 People (Not for Publication)

v.

Morales

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.

Perren, J.

June 22, 2006 (Continued)

DIVISION SIX (Continued)

B187211 People (Not for Publication)
v.
Alahanati

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B181541 People (Not for Publication)
v.
Norman

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B186802 San Luis Obispo Co. Coastkeeper (Not for Publication)
v.
Co. of San Luis Obispo (Anastasi Development Co.)

The judgment is affirmed. Costs are awarded to respondents and real parties in interest.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SIX (Continued)

B185061 People (Not for Publication)
v.
Joshua

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION EIGHT

B185729 Los Angeles County, D.C.S. (Not for Publication)
v.
Jose I. et al.,

The orders of the dependency court are affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B179815 Butler, (Certified for Publication)
v.
The Vons Companies, Inc.,

The judgment is reversed. Appellant and Respondent are to bear their own costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

June 22, 2006 (Continued)

DIVISION EIGHT (Continued)

B187415 People (Not for Publication)
v.
Felix

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Boland, J.